

JOE WARDY  
MAYOR



**CITY COUNCIL**

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

**REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
JANUARY 27, 2004  
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power and Vivian Rojas. Absent: Anthony W. Cobos. Late Arrival: Paul J. Escobar arrived at 9:07 a.m. Meeting was called to order at 9:06 a.m. and the invocation was given by Police Chaplain Ellen Fenter, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATION**

**1. Financial Freedom Week**

No action was taken on the following item: Discussion and action on privatization. [Anita Blair]

Ms. Anita Blair, citizen, commented on the El Paso Independent School District's proposed privatization of cafeteria workers.

No action was taken on the following item: Speak about the importance of the amendments to the City Charter. [Anita Blair]

Ms. Anita Blair, citizen, requested that members of the community vote early on the Bond and City Charter Amendments.

No action was taken on the following item: Chief of Police/El Paso Flag. [William F. Hart, Jr.]

Mr. William F. Hart, Jr. citizen, noted that the current Interim Police Chief Richard Wiles had the talent and ability to do the job and questioned why a national search was needed when there existed a sufficient number of talented individuals currently working in the El Paso Police Department. He suggested that the Mayor conduct a contest among Junior High and High School students to design the City's flag and encouraged simplicity in design for the ease in manufacturing.

Mayor Joe Wardy explained that the City would not utilize a national search firm for the Police Chief position; however, added that the position would open in March, 2004 and clarified that the City would open up the search so that any candidate, nationally, could apply for the position.

Representative Cook noted that two City of El Paso flags hung in City Hall, one in the Mayor's office and the other in the City Council Chambers. He added that both these flags were handmade and were not of the same design.

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Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to recess City Council Meeting to discuss the Mass Transit Board Meeting at 9:29 a.m.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reconvene the City Council Meeting from the Mass Transit Board Meeting at 9:44 a.m.

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Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representative Escobar was not present for the vote.

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\*Motion made, seconded and unanimously carried to approve the minutes for Regular City Council Meetings of January 13<sup>th</sup> and 20<sup>th</sup>, 2004, and Special City Council Meeting of January 14, 2004.

.....  
\*Motion made, seconded and unanimously carried to excuse Representative Anthony W. Cobos from the Regular City Council Meeting of January 27, 2004.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the Lessor's Approval of Sublease between City of El Paso ("Lessor"), Superior Aviation Fuel Enterprises ("Sublessor"), and Auto Air Transportation, Inc., ("Sublessee") for office space located in the premises currently leased to the Sublessor municipally known and numbered as 6775 Boeing Drive, El Paso, Texas.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Lessor's Approval of Assignment of the General Aviation Commercial Ground Lease for the land located at 6805 Boeing Dr. from Julie's Aircraft Service, Inc. to Juliusson Family Limited Partnership.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department for the FY2004 Alfresco! Fridays, to be held at Arts Festival Plaza as recommended by the Arts and Culture Department staff and Arts and Culture Department's Advisory Board.

1. Edward Holland for San Patricios; one performance on Friday, June 25, 2004; cost \$400.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following Agreement for the following artist to be accepted as part of the FY 2004 Arts in Education Program of the Arts and Culture Department as recommended by the Arts and Culture Department staff and the Arts and Culture Department's Advisory Board.

1. Layle Chambers

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Memorandum of Understanding between the CITY OF EL PASO and the LOCAL 51, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS to amend the Articles of Agreement between the City and the Association to allow active duty fire fighters enrolled in the City's Self Funded Health Benefit Plan to use the City's Wellness Centers.

Representative Rojas questioned the amount of cost savings to the Heath Benefit Plan.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained that fire fighters utilizing the City's Wellness Centers would save the City a considerable amount of money.

Motion made by Representative Rojas, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **NANCY MELENDEZ-FORBES**, to assist the Community Development Department as a Social Services Project Developer at a biweekly rate of \$1,274.41 for 40 hours per week. The term of the contract shall be for the period of January 28, 2004 through Janaury 27, 2005.

NOTE: Resolution was revised from "Social Services Project Manager" to "Social Services Project Developer".

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso Museum of Art be authorized to co-sponsor a reception with the art journal Artlies on their 10<sup>th</sup> year anniversary at the El Paso Museum of Art on February 29, 2004. No cost to the City.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and the following individuals to teach art classes and/or adult studio classes at the Museum of Art at an hourly rate of \$20.00.

**WENDY BURTZ**, instructor for "Kids Create" class and "Spring Break Kids Clay" class, from February 7, 2004 through April 10, 2004, not to exceed 2 hours per week for "Kids Create" class and 10 hours per week for "Spring Break Kids Clay" class.

**RONALD FRITCH**, instructor for adult "Beginning Painters" class, from February 7, 2003 through April 3, 2004, not to exceed 2 hours per week.

**MARTHA A. GARCIA**, instructor for "Clay Throwing" class, from February 8, 2004 through April 11, 2004, not to exceed 2 hours per week.

**SUSAN R. LIGHT**, instructor for "Kids Drawing" class, from February 7, 2004 through April 10, 2004, not to exceed 2 hours per week.

**MARIE LIVINGSTON**, instructor for an adult "Handbuilding with Clay" class and adult workshops, from February 5, 2004 through April 2, 2004, not to exceed 4 hours per week.

Representative Lozano requested further information.

Ms. Amy Reed, Museum of Art Curator of Education, noted that the classes were open to the public and that the Museum of Art actively educates the public as to the classes offered by the Museum of Art.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

## **R E S O L U T I O N**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN, ON BEHALF OF THE CITY, AN INTERLOCAL AGREEMENT BETWEEN THE EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1 AND THE CITY OF EL PASO, ACTING BY AND THROUGH ITS EL PASO WATER UTILITIES PUBLIC SERVICE BOARD FOR THE PERMITTING OF IRRIGATION WATER WELLS WITHIN THE EL PASO CITY LIMITS.**

**WHEREAS**, January 14, 2004, the El Paso Water Utilities Public Service Board (PSB), approved an Interlocal Agreement between the El Paso County Water Improvement District No. 1 (District) and the City of El Paso, acting by and through its El Paso Water Utilities Public Service Board (PSB) for the permitting of twenty irrigation water wells within the El Paso city limits; and,

**WHEREAS**, the agreement provides for the permitting of the specific wells and a method for sharing in part at an agreed upon cost the water produced, between the PSB and the District, said actions will result in a more efficient and effective utilization of the available resources for both the District and the City; and,

**WHEREAS**, the City Council finds it to be in the public interest to authorize the Mayor to sign, on behalf of the City, the Interlocal Agreement; **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign on behalf of the City, an Interlocal Agreement between the El Paso County Water Improvement District No. 1 and the City of El Paso, acting by and through its El Paso Water Utilities Public Service Board for the permitting of twenty irrigation water wells within the El Paso city limits.

Representatives Cushing, Austin, Lozano asked questions or made comments.

Mayor Joe Wardy commented that the City would purchase a portion of the water pumped from the shallow water wells, owned by the El Paso County Water Improvement District No. 1. He explained that the wells would run along the canal near the Jonathan Rogers Treatment plant.

Mr. Robert Andron, General Counsel of the Public Service Board El Paso Water Utilities, explained the location of the shallow water wells.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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\*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor is hereby authorized to sign on behalf of the City, a professional services contract between Delgado, Acosta, Braden & Jones, P.C. and the El Paso Water Utilities Public Service Board for bond counsel services.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor is hereby authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for the installation of underground electrical service to the Eastwood Park Recreation Center, located at 3110 Parkwood, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 277/480 volt, three phase, four wire. One (1) 300 KVA overhead transformer will be installed to service the electrical load.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ADRIENNE LOPEZ**, to assist the Information Technology Department as a Web Developer at an hourly rate of \$15.93 for a minimum of 20 hours per week not to exceed 40 hours per week. The term of the contract shall be for the period of January 28, 2004 through January 27, 2005.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **VANESSA VALDEZ** as a Library Assistant for the El Paso Public Library at an hourly rate of \$5.57 per hour not to exceed 20 hours per week without permission from the Co-Op Coordinator, in which case student may work up to 40 hours per week. Employee may be required to use own vehicle to travel to different Library branches and will be reimbursed for mileage at a rate of \$.36 per mile, not to exceed 150 miles per week or a total of \$54.00 per week. The term of the contract shall be for the period of January 28, 2004 through January 27, 2005.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Antonio Castro covering an exhibit entitled "Illustrations, Pajaro Verde Book" at the Clardy Fox Library Branch of the El Paso Public Library System for the period of February 1 through 29, 2004. This exhibition is at no cost to the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Claude Montes covering an exhibit entitled "Niños de la Sierra Madre" at the Richard Burges Library Branch of the El Paso Public Library System for the period of March 2 through 31, 2004. This exhibition is at no cost to the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering an exhibit entitled "History of Santa Fé Railroad" at the Main Library of the El Paso Public Library System for the period of April 1 through 30, 2004. This exhibition is at no cost to the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Ignacio Parra covering an exhibit of "Photos on Canvas" at the Clardy Fox Library Branch of the El Paso Public Library System for the period of March 2 through 31, 2004. This exhibition is at no cost to the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Sun Country Doll Folks covering an exhibit of "Dolls and Their Stories" at the Irving Schwartz Library Branch of the El Paso Public Library System for the period of April 1 through 30, 2004. This exhibition is at no cost to the City.

\*Motion made, seconded and unanimously carried to postpone two (2) weeks the Resolution that the Mayor is hereby authorized to sign, on behalf of the City, an Access Agreement between the City of El Paso and Dr. Wen-Yee Lee, to allow access to conduct soil, air and water sampling and testing at various City owned properties and rights of way in and around the City and County of El Paso.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the PARKS & RECREATION DEPARTMENT. Funding for these contracts is in fiscal year 2003/2004 appropriations to be approved by the City Council.

**MULTIPURPOSE CENTER**

**DEPARTMENT ID: 51510032, ACCOUNT 502214**

- |    |              |  |
|----|--------------|--|
| 1. | CONTRACTOR:  | Marcela Macias, Aerobic Instructor     |
|    | DATES:       | February 16, 2004 thru August 31, 2004 |
|    | RATE PER CL: | \$9.00                                 |
|    | MAXIMUM AMT: | \$810.00                               |
|    | CONTRACT:    | 2003/2004-088                          |

**PAVO REAL RECREATION CENTER**  
**DEPARTMENT ID: 51510115, ACCOUNT 502214**

2.     **CONTRACTOR:**       Marcela Macias, Folklorico Instructor  
       **DATES:**           January 28, 2004 thru August 31, 2004  
       **RATE PER CL:**      \$10.00  
       **MAXIMUM AMT:**     \$600.00  
       **CONTRACT:**       2003/2004-089

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ALEJANDRO GUTIERREZ**, as an Undergraduate Intern for the Planning, Research and Development Department at the rate of \$7.25 per hour, not to exceed 40 hours per week. The term of the contract shall be from January 28, 2004 through January 27, 2005.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Council approve grant application and related documents for the certified grant from Dell Computer Inc. for a grant in the amount of \$10,000.00 to set-up a One Day Event at the Citizen Collection Sites on April 22, 2004 (Earth Day) to recycle electronic components from the community. The In-Kind Services require for this grant is \$1,458.80.

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\*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Contract between the City of El Paso and Keep El Paso Beautiful, Inc. in the amount of \$40,000.00 whereby Keep El Paso Beautiful, Inc. agrees to perform services, including educating the community about long-term benefits of developing and maintaining a clean and healthy community for the period beginning at the execution of this contract through August 31, 2004, subject to Civil Service Commission approval.

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**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, PEDRO MUNOZ, of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

2121 Portland Ave., City of El Paso, El Paso County, Texas, being more particularly described as Lots 5 & 6 (6000 SQ FT), Block 42, Highland Park Subdivision, Parcel #H453-999-0420-1100,

to be FOUR HUNDRED FIFTY-SEVEN AND 90/100 DOLLARS (\$457.90) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty-second day of August, 2002, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount FOUR HUNDRED FIFTY-SEVEN AND 90/100 DOLLARS (\$457.90) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 24<sup>th</sup> day of February, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8500 Block of Wells Road AKA 8515 Wells Road, in El Paso, Texas, which property is more particularly described as:

A portion of Tract 5, Boothville No. 5, El Paso County, Texas, according to the Map thereof on File in Book 5, Page 54, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Claudio & Rita S. Saucedo, 538 Plum Street, Aurora, ILL 60506, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.



If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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\*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Automotive Technician I (1)

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\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for AIRPORT

Add                    1.00                    Automotive Service Worker I                    GS11

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\*Motion made, seconded and unanimously carried to appoint Mitchel Doblado to the El Paso Bond Overview Advisory Committee by Representative Jose Alexandro Lozano, District 3.

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\*Motion made, seconded and unanimously carried to appoint Edward Moreno to the Parks and Recreation Advisory Board by Representative John F. Cook, District 4.

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\*Motion made, seconded and unanimously carried to appoint Wynn Anderson to the Tree Board, as member with horticulture background, by Representative Daniel S. Power, District 5.

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\*Motion made, seconded and unanimously carried to appoint Zuzanne Martinez to the Community Development Steering Committee by Representative Vivian Rojas, District 7.

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\*Motion made, seconded and unanimously carried to appoint Anna Gill to the Zoning Board of Adjustment by Representative Vivian Rojas, District 7.  
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\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #1994-999-3001-0034, \$284.41 per month installments on a balance of \$2,559.69 for 1995, 1996, 1997, 2000, 2001 & 2002 taxes; Armando Ortega – 7800 Gateway North.
- B. PID #1997-999-0106-0034, \$396.93 per month installments on a balance of \$2,381.58 for 1998, 1999, 2000, 2001 & 2002 taxes; Lupita's Restaurant % Enrique Flores - 419 Mesa.
- C. PID #1998-999-0216-0034, \$428.89 per month installments on a balance of \$5,146.68 for 1999, 2000, 2001, 2002 & 2003 taxes; T & M Laundry % Enrique Silva – 6760 Edgemere.
- D. PID #1999-999-2083-0034, \$908.42 per month installments on a balance of \$8,175.78 for 2000, 2001 & 2002 taxes; J & C Warehouse – 3510 Frutas.

.....  
\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. LandAmerica Lawyers Title of El Paso in the amount of \$3,092.12, overpayment of 2003 taxes.  
(PID #C340-999-0780-3100)
- B. LandAmerica Lawyers Title of El Paso in the amount of \$4,141.25, overpayment of 2003 taxes.  
(PID #C801-999-0060-4800)
- C. Robert Jr. & Lorraine K. Nanez in the amount of \$4,921.09, overpayment of 2001 & 2002 taxes.  
(PID #E222-999-0020-4600)
- D. Lawyers Title of El Paso in the amount of \$2,722.47, overpayment of 2003 taxes.  
(PID #J659-999-0010-0100)
- E. Charter Bank in the amount of \$4,257.32, overpayment of 2003 taxes.  
(PID #P327-999-0030-2000)
- F. Steven Crenshaw in the amount of \$4,866.82, overpayment of 2003 taxes.  
(PID #R534-999-0010-3700)
- G. Sierra Title Company in the amount of \$2,546.10, overpayment of 2003 taxes.  
(PID #S380-999-0090-1100)
- H. Eduardo, Jr. & Gabriela Quevedo in the amount of \$3,672.93, overpayment of 2003 taxes.  
(PID #S431-999-0010-0200)
- I. LandAmerica Lawyers Title of El Paso in the amount of \$5,512.20, overpayment of 2003 taxes.  
(PID #S533-000-0010-16A0)
- J. GMAC Mortgage in the amount of \$2,501.42, overpayment of 2003 taxes.  
(PID #T213-999-0080-2600)
- K. Sierra Title Co. in the amount of \$3,225.71, overpayment of 2003 taxes.  
(PID #V894-999-0030-0900)
- L. Charles & Rhonda Stearns in the amount of \$2,880.21, overpayment of 2003 taxes.  
(PID #V897-999-0310-1500)

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2003-098 Citywide Minor Drainage Improvements Group 6

Award to: Silverton Construction Co., Inc.  
El Paso, Texas  
Item (s): Base Bid I \$ 42,282.00  
Base Bid II \$ 22,997.00  
Base Bid III \$ 27,000.00  
Base Bid IV \$ 67,000.00  
Award: \$159,279.00

Department: Street  
Funds available: 31115108/PPW0029003/26061/508027  
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Funding source: General Revenue  
Total award: \$159,279.00

The Departments of Purchasing, Engineering, and Street Department recommend the award of this contract to Silverton Construction Co. Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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\*Motion made, seconded and unanimously carried to award Bid No. 2004-030 Aluminum Traffic Signal Bases

Award to: Hi-Tech Signals, Inc.  
Fort Worth, TX  
Item (s): 1  
Amount: \$17,000.00 (estimated annually)  
  
Department: Municipal Services and Street  
Funds available: 32010288-01101-503203  
Funding source: General Funds, Traffic Signals Public Accesses and Maintenance / Repairs  
Total award: \$51,000.00 (estimated)

The Departments of Municipal Services, Street and Purchasing recommend award as indicated, as this vendor is the low responsible and responsive bidder and meets specifications.

This is a thirty-six (36) month contract with no option to extend the term of this contract.

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2004-314 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to appropriate \$6,240 to fund construction of school flashers for the Ysleta School District. Funding source is reimbursed expenditures from the school district.

Increase	\$6,240	to	31255006/PPW005227691/405067	Reimb Exp
Increase	\$6,240	to	31255006/PPW005227691/508027	Construction

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2004-322 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$26,160 to fund construction of school flashers for the Socorro District. Funding source is reimbursed expenditures from the school district.

Increase	\$26,160	to	31255004/PPW005227691/405067	Reimb Exp
Increase	\$26,160	to	31255004/PPW005227691/508027	Construction

.....  
 Motion made, seconded and unanimously carried to move to the regular agenda BT2004-323 BUILDING AND PLANNING SERVICES:

Representative Cushing questioned whether or not the \$275,000 was the total funding for the construction phase.

Ms. Irene Ramirez, Interim City Engineer, explained that the monies were necessary to fund the entire base bid for the project.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve budget transfer BT2004-323 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to appropriate \$275,000 to fund the construction phase of Memorial Park and Pool. Funding source is 2000 QOL bonds.

Increase	\$275,000	to	31130550/PPW0046026YR260029/508027	Construction
Increase	\$275,000	to	31130550/PPW0046026YR260029/407020	Bond Proc

.....  
 \*Motion made, seconded and unanimously carried to delete budget transfer BT2004-326 AIRPORT Transfer of funds to cover continuing project to mill asphalt stored on Airport land to be re-used for environmentally approved projects.

Increase	\$500	to	62620029/PAP003041071/508027	Construction
Increase	\$500	to	62620029/PAP003041071/407001	Intrfd Trf In
Increase	\$500	to	62620018/P50000241021/407002	Est Rev
Increase	\$500	to	62620018/P50000241021/507001	Intrfd Trf Out

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Linda B. Wilson to hold a protest on January 28, 2004 to April 28, 2004 from 7:00 a.m. to 6:00 p.m. Route: 7310 Bishop Flores (Sidewalk between school gates). Approximately 25 persons will participate and 50 spectators are anticipated. PERMIT NO. 04-001 [Linda B. Wilson]

.....  
 Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

**A.** An Ordinance amending Ordinance No. 14766 relating to the issuance of City of El Paso, Texas, General Obligation Commercial Paper Notes, Series A, in an aggregate principal amount not to exceed \$50,000,000 for the purpose of providing money for certain authorized purposes; approving and authorizing officers and employees to act on behalf of the City in the selling and delivery of such notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale and delivery and security of the notes, including the approval of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Commercial Paper Dealer Agreement.

**B.** An Ordinance vacating a portion of Main Street adjacent to Lot 6, Block 1, Mills Map (also known as Lot D, Block 1, Mills Addition), Lot 1, Block 1, Mills Map, (also known as Lot A, Block 1, Mills Addition), and Lot 39, Block 17, Mills Map (also known as Lot F, Block 17, Herald Subdivision of Mills Map), all of which are in the City of El Paso, El Paso County, Texas.

**PUBLIC HEARING TO BE HELD ON FEBRUARY 10, 2004 FOR ITEMS A - B**

- C. An Ordinance changing the zoning of a Portion of Tract 36, Rosedale Farms No. 4, El Paso, El Paso, County, Texas (7515 Franklin Drive) from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00070. Applicant: Richard Delgado / Representative: Luis de la Cruz, 9013 Lait, El Paso, TX 79925

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 17, 2004 FOR ITEM C**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Escobar was not present for the vote.

\*Motion made, seconded and unanimously carried to delete the Resolution that the El Paso City Council hereby renames a portion of Railroad Drive to Sam Borsberry Drive, beginning at its intersection with Fred Wilson Drive and ending at its intersection with McCombs Street, and authorizes the Mayor to take any and all action necessary to effectuate such renaming. The entire length of Railroad Drive hereby renamed is located within the City of El Paso, El Paso County, Texas.

**ORDINANCE 15673**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON KENWORTHY DRIVE FROM WOODROW BEAN TRANSMOUNTAIN DRIVE (LOOP 375) TO DIANA DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power and Rojas  
NAYS: None Absent: Council Member Cobos

Council Member Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

**ORDINANCE 15674**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING SECTIONS OF TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.12 (FOOD AND FOOD HANDLING ESTABLISHMENTS) TO REVISE FEES. THE PENALTY BEING AS APPROVED IN SECTION 9.12.890 OF THE EL PASO MUNICIPAL CODE.**

Representative Lozano asked Mr. David Sublasky, El Paso City-County Health and Environment District, Environmental Health Manager, questions regarding the Ordinance.

Mr. Sublasky noted that the Ordinance pertained to revising the fees for Food and Food Handling Establishments and explained that the Health Department had met with members of the National Restaurant Association, a committee of convenience stores, commercial and home day care centers, foster care centers and that there was no opposition to the Ordinance. He stated for the record that Mr. Daniel Morales was opposed to the license fee for temporary establishments.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power and Rojas  
NAYS: None Absent: Council Member Cobos

Council Member Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15675**

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF APPROXIMATELY \$38,840,000 CITY OF EL PASO, TEXAS, WATER AND SEWER REFUNDING BONDS, SERIES 2004; APPROVING A PURCHASE CONTRACT; APPROVING AN ESCROW AGREEMENT; APPROVING AN OFFICIAL STATEMENT; AND ENACTING PROVISIONS RELATED THERETO.**

Mr. Steven Adams, First Southwest Company, provided documents to Council Members (on file in the City Clerk's office) and gave financial information pertaining to the Water and Sewer Refunding Bonds, Series 2004. He answered questions from and responded to comments made by the Council Members.

Representatives Cook, Austin, and Lozano asked questions or made comments.

Ms. Lisa Turner, citizen, questioned why the bonds were necessary and commented on the Public Service Board El Paso Water Utility dumping water into the Rio Grande rather than recycling that water.

Mayor Joe Wardy explained that the recent water rate increase was to fund additional infrastructure improvements, rebuild old pipeline and sewer, and to save money for the importation of water to begin approximately between 2010 and 2015.

Representative Cook commented that the water in the Rio Grande was utilized for irrigation purposes.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar and Rojas  
NAYS: None Absent: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: At the request of Bond Counsel, the published notice of the adopted ordinance reflected \$36,070,000 as the actual amount of the issuance and sale of the City of El Paso, Texas, Water and Sewer Refunding Bonds.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign an Amendment to the Contract between SANTOS ENTERPRISES, INC., First Party, and the CITY OF EL PASO, Second Party, amending the Contract imposed by Ordinance No. 8223 and dated November 20, 1984; to release Condition No. 2 on the property described as Block 25F and a portion of Block 26F, Alexander Addition, and a portion of F. W. Brown Survey #202, El Paso, El Paso County, Texas. Applicant: Pep Boys - Manny, Moe & Jack / Representative: RJL Real Estate Consultants; 725 S. Mesa Hills Drive, Suite 1, El Paso, TX 79912. ZON03-00072.

.....  
**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. ZON03-00077, FOR A PORTION OF LOT 26, BLOCK 1, MONTWOOD HEIGHTS UNIT FOUR, EL PASO, EL PASO COUNTY, TEXAS (MONTWOOD DRIVE EAST OF JOE BATTLE BOULEVARD), PURSUANT TO A ZONING CONDITION IMPOSED BY ORDINANCE NO. 011446. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

WHEREAS, **RBP Properties, LTD** (the "Applicant") has applied for approval of a detailed site development plan pursuant to Ordinance No. 011446, to permit the construction and development of offices;

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of offices on the following described property which is located in a C-1/c (Commercial/conditions) District:

*A portion of Lot 26, Block 1, Montwood Heights Unit Four, as more particularly described by metes and bounds in the attached Exhibit "A".*

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/c (Commercial/conditions) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-1/c (Commercial/conditions) District regulations. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and noted that the DCC (Development Coordinating Committee) had unanimously approved the Site Development Plan and that the CPC (City Plan Commission) had unanimously approved the Site Development Plan and staff recommendations. He answered questions from and responded to comments made by the Council Members.

Representative Escobar questioned whether or not the Department had received telephone calls or letters in opposition.

Mr. Sarmiento responded that the Department had not received either telephone calls or letters in opposition or support.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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\*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of Lot 3, Block 10, Eastwood Unit 1, El Paso, El Paso County, Texas (7822 Bois D'Arc) from R-3 (Residential) to A-O (Apartment-Office) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00073. Applicant: Kenneth L. Baldwin / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936.  
.....

**ORDINANCE 15676**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO BEAUTIFUL SAVIOR EVANGELICAL LUTHERAN CHURCH PERMITTING THE ENCROACHMENT OF TWO DIRECTIONAL SIGNS ONTO PORTIONS OF PUBLIC RIGHT-OF-WAY ALONG RESLER DRIVE.**

Mr. Rudy Valdez, Chief Urban Planner, explained that the DCC (Development Coordinating Committee) had recommended approval of the Special Privilege and explained that the church would pay for the two directional signs.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar and Rojas  
NAYS: None Absent: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.



## ORDINANCE 15677

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE CENTRAL BUSINESS ASSOCIATION OF EL PASO, INC., TO PERMIT TEMPORARY SIDEWALK VENDING FOR PARTICIPATING MERCHANTS WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY IN DOWNTOWN EL PASO FROM JANUARY 28, 2004 THROUGH JULY 3, 2004.**

Mr. Rudy Valdez, Chief Urban Planner, explained that the Special Privilege was for seven sidewalk vending applications and noted that the DCC (Development Coordinating Committee) had unanimously recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar and Rojas  
NAYS: None Absent: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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\*Motion made, seconded and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 150 Cherry Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 15<sup>th</sup>, 2003. The owners of this property, Juan and Maria Flores, 150 Cherry Street, El Paso, Texas 79915, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.  
.....

### RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 8464 Roseway Drive (Front), in El Paso, Texas, which property is more particularly described as follows:

Tract: 6 (EXC W 159.0 Ft. of N 169.75 Ft.), Fruitvale

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, The Estate of Frances Jenks, Deceased, 8464 Roseway Drive, El Paso, Texas 79907, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on January 27<sup>th</sup>, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
    - a. That the Building be demolished within (30) days; and
    - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
    - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
    - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
    - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
  3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
  4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
  5. That the costs incurred by the City in connection with demolishing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
    - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
    - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
  7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s). He answered questions from and responded to comments made by the Council Members. He clarified that the lien placed on the property was for the structure located to the rear of the current property.

Representatives Cook, Lozano, and Rojas asked questions of City staff.

Mr. Jose Padilla, Delgado Acosta Spencer Linebarger Heard & Perez, LLP, commented that a judgment was taken on December 4, 2003 for the total amount of delinquent taxes and that the property would be sold at a tax sell in approximately three or four months.

Mr. Juan Sandoval, Tax Assessor Collector, explained that the property had a deferral through the year 2000 and noted that due to the deferral and accumulated penalties and interest, the delinquent taxes were high. He noted that following the property being sold, the monies would be utilized to pay court costs and other costs incurred in the sell.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Rojas, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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 \*Motion made, seconded and unanimously carried to postpone two (2) weeks the public hearing to determine if the property located at 7245 Barker Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated August 19<sup>th</sup>, 2003. The owner of this property, Aurora Loan Services, Inc., ATTN: Claims Department, P. O. Box 1706, Scottsbluff, NE 69363-1706, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

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 Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to adjourn this meeting at 10:44 a.m.

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**APPROVED AS TO CONTENT:**

  
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 Richarda Duffy Momsen, City Clerk